

SECOND / THIRD READINGS SUMMARY SHEET

ZONING CASE NUMBER: C14-2007-0034 – Harmon

REQUEST:

Approve second / third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4703 Harmon Avenue (Boggy Creek Watershed) from family residence – neighborhood plan (SF-3-NP) combining district zoning to limited office – mixed use – conditional overlay – neighborhood plan (LO-MU-CO-NP) combining district zoning.

DEPARTMENT COMMENTS:

The Conditional Overlay incorporates the conditions imposed by the City Council at First Reading.

OWNER/APPLICANT: Julian Oviedo.

AGENT: Lucy Montealvo.

DATE OF FIRST READING: June 21, 2007, approved LO-MU-CO-NP district zoning, on First Reading (7-0).

CITY COUNCIL HEARING DATE: July 26, 2007

CITY COUNCIL ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Robert Heil
e-mail: robert.heil@ci.austin.tx.us

ZONING CHANGE REVIEW SHEET**CASE:** C14-2007-0034**PC Date:** June 12, 2007**ADDRESS:** 4703 Harmon Avenue**OWNER/APPLICANT:** Julian Oviedo**AGENT:** Lucy Montealvo**ZONING FROM:** SF-3-NP**TO:** GO-MU-NP**AREA:** 0.152 acres
(6,621 square feet)**STAFF RECOMMENDATION:**

Staff alternatively recommends approval of limited office – mixed use – conditional overlay - neighborhood plan (LO-MU-CO-NP) combining district zoning. The conditional overlay would prohibit the residential treatment use.

PLANNING COMMISSION RECOMMENDATION:

June 12, 2007: Approved staff's recommendation of LO-MU-CO-NP on consent (9-0).

DEPARTMENT COMMENTS:

This site is a single family home zoned SF-3. It is surrounded by a mix of commercial uses and zoning. Single family homes exist on SF-3 zoning on the southern most portion of Harmon Avenue, north of E 46th Street.

The request is for general office-mixed use-neighborhood plan (GO-MU-NP), and staff alternatively recommends approval of limited office – mixed use – conditional overlay - neighborhood plan (LO-MU-CO-NP) combining district zoning.

The applicant has no objection to recommendation of staff and the Planning Commission.

EXISTING ZONING AND LAND USES:

| | ZONING | LAND USES |
|--------------|-----------------------|--|
| <i>Site</i> | SF-3 | Single Family Home |
| <i>North</i> | CS-MU-CO-NP | Auto Repair and Apartments |
| <i>South</i> | LO-MU-CO-NP & SF-3-NP | Single Family Homes |
| <i>East</i> | CS-CO-NP | Medical Office and Mini Storage |
| <i>West</i> | CS-CO-NP | Back side of a commercial strip center |

AREA STUDY: This property lies within the North Loop Neighborhood Planning area. The future land use for this map calls for mixed use on the property.

TIA: A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day.
[LDC, 25-6-113]

WATERSHED: Boggy Creek **DESIRED DEVELOPMENT ZONE:** Yes

CAPITOL VIEW CORRIDOR: No **HILL COUNTRY ROADWAY:** No

REGISTERED COMMUNITY ORGANIZATIONS:

- Taking Action Inc
- Ridgetop Neighborhood Association
- North Loop Neighborhood Planning Team
- Austin Neighborhoods Council
- Mueller Neighborhoods Coalition
- North Austin Neighborhood Alliance
- Austin Independent School District
- Home Builders Association of Greater Austin

SCHOOLS:

Ridgetop Elementary School Lamar Middle School McCallum High School

ABUTTING STREETS:

| Name | ROW | Pavement | Classification | Sidewalks | Bus Route | Bike Route |
|---------------|-----|----------|----------------|-----------|-----------|------------|
| Harmon Avenue | 50' | 28' | Local | No | No | Priority 1 |

CITY COUNCIL DATE:

ACTION:

June 21, 2007:

Approved LO-MU-CO-NP on first reading

July 26, 2007:

ORDINANCE READINGS:

1st 6/21/07

2nd

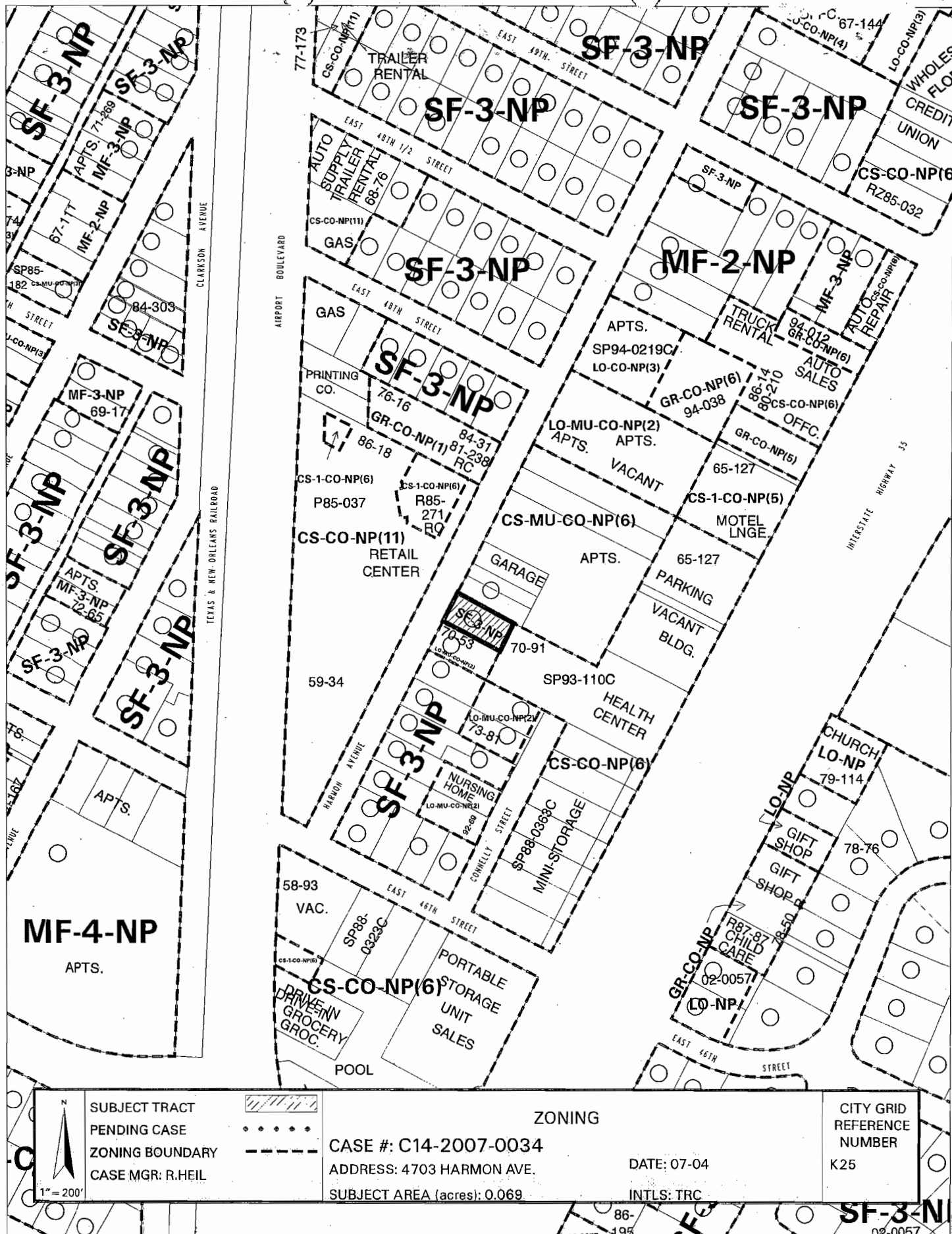
3rd

ORDINANCE NUMBER:

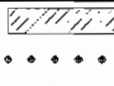
CASE MANAGER: Robert Heil

PHONE: 974-2330

e-mail address: robert.heil@ci.austin.tx.us



SUBJECT TRACT
PENDING CASE
ZONING BOUNDARY
CASE MGR: R.HEIL



CASE #: C14-2007-0034
ADDRESS: 4703 HARMON AVE.
SUBJECT AREA (acres): 0.069

ZONING

DATE: 07-04
INTLS: TRC

CITY GRID
REFERENCE
NUMBER
K25

1" = 200'

SF-3-NP
02-0057



SUMMARY STAFF RECOMMENDATION

Staff alternatively recommends approval of limited office – mixed use – conditional overlay - neighborhood plan (LO-MU-CO-NP) combining district zoning. The conditional overlay would prohibit the residential treatment use.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. *Zoning should not constitute a grant of special privilege to an individual owner; Granting of the request should result in an equal treatment of similarly situated properties.*

The property is surrounded by a mix of zoning. To the immediate south, the most comparable property is zoned LO-MU-CO-NP, with the same conditional overlay as is being recommended for this site..

2. *The proposed zoning should be consistent with adopted neighborhood plans.*

This property lies within the North Loop Neighborhood Planning area. The future land use for this map calls for mixed use on the property.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 180 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

| Name | ROW | Pavement | Classification | Sidewalks | Bus Route | Bike Route |
|---------------|------------|-----------------|-----------------------|------------------|------------------|-------------------|
| Harmon Avenue | 50' | 28' | Local | No | No | Priority 1 |

Environmental

The site is not located over the Edwards Aquifer Recharge Zone. The site is located in the Boggy Creek Watershed of the Colorado River Basin, which is classified as an Urban Watershed by Chapter 25-8 of the City's Land Development Code. It is in the Desired Development Zone.

Impervious cover is not limited in this watershed class; therefore the zoning district impervious cover limits will apply.

This site is required to provide on-site structural water quality controls (or payment in lieu of) for all development and/or redevelopment when 5,000 s.f. cumulative is exceeded, and detention for the two-year storm. At this time, no information has been provided as to whether this property has any pre-existing approvals which would preempt current water quality or Code requirements.

According to flood plain maps, there is no flood plain within the project area.

At this time, site-specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Site Plan

This tract is already developed. A change of use within the existing structure would not trigger compatibility development regulations. However, any new construction on this site would be subject to compatibility development regulations due to current surrounding land uses and zoning. There appears to be single family structures to the north and south, however their current zonings are MU; actual uses would have to be confirmed prior to approval of future new construction. SF-3 lots to the south would trigger height and setback compatibility. Any new structure would be subject to the following requirements:

- No structure may be built within 15 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 15 feet of the property line.
- for a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- The site plan will have to be within conformance of Subchapter E of Chapter 25-2 of the City Code - Design Standards and Mixed Use.

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extensions, system upgrades, utility relocations, and abandonments. The water and wastewater plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. All water and wastewater

be reviewed and approved by the Austin Water Utility. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction.

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.ci.austin.tx.us/development

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2007-0034

Contact: Robert Heil, (512) 974-2330

Public Hearing:

June 12, 2007 Planning Commission

RANDOLPH SMITH

Your Name (please print)

4707 HARMON AVE Austin, TX 78751

Your address(es) affected by this application

R E Smith

Signature

6/11/07

Date

Comments:

I have no problem with the said property being rezoned.

RF Smith

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

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Case Number: C14-2007-0034

Contact: Robert Heil, (512) 974-2330

Public Hearing:

May 22, 2007 Planning Commission

Philip Page, Lessor
Your Name (please print)

4613 Harmon

Your address(es) affected by this application

Phyllis A. Ru

Signature

5/14/07
Date

Comments:

This is a residential neighborhood
and should be kept that way.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Robert Heil

P. O. Box 1088

Austin, TX 78767-8810

☐ I am in favor
☒ I object